

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

MARCELLAS HOFFMAN

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CRIMINAL NO. 01-169
CIVIL NO. 09-1318

ORDER

AND NOW, this 30th day of October, 2009, upon consideration of Petitioner, Marcellas Hoffman's, Motion to Vacate, Set Aside or Correct Sentence (Doc. No. 240), and the Response in opposition thereto, it is hereby **ORDERED** that the Motion is **DENIED**.

There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE